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REMARKS

The Applicant appreciates the consideration by Ms. Xian Thai that the basis for the Examiner's assertion that the amendment is non-compliant is incorrect, and this response is being submitted pursuant to her request to state the reasons why the Examiner is incorrect in writing.

The Examiner variously states that 1) the "new claims have very little to do with the cheque value system previously claimed," that 2) "Applicant has now merely inserted two limitations from the old claims (cheque value system) into these new claims," 3) gives an example regarding speakers and a slot machine with speakers, and 4) as a "side note," notes that the Applicant has not mentioned where the claims are supported in the specification or submitted arguments why the claims are patentable over the cited references. Each of these four assertions will be independently addressed.

In regards to the first contention, both the present claims and the claims in the parent application concern data processing for table games. The same references that were cited against the parent will no doubt be cited against these claims, as they were also cited against U.S. 6,676,517, the patent to issue from the first parent application. The Applicant notes that the Examiner has failed to substantiate the position that the claims are drawn to a different invention by pointing out which class the claims from the parent were assigned to, and the class that the pending claims would be assigned to. The Applicant further notes that the '517 patent was assigned to class 463/25, entitled "Credit/debit monitoring or manipulation (e.g., game entry, betting, prize level, etc.)," that the present application is assigned to 463/29, entitled "Access or authorization (e.g., game selection, security, etc.)," and that both classes are assigned to art unit 3713. Clearly, the objective of 37 C.F.R. 1.145 is to ensure that the amended claims in any response to an office action do not result in the presentation of claims that would require assignment of the application to a new art unit, and not to be a bureaucratic and formalistic impediment to the examination of claims that properly belong in the art unit of the parent application. Claim 59, which is drawn to a "remote terminal for use by a supervisor of a gaming area having a plurality of gaming tables" falls squarely within class 463/29. Thus, it is irrelevant whether the claims as originally presented allegedly had "very little to do with the cheque value system previously claimed" in determining whether the claimed invention is "distinct from and independent of the invention previously claimed," as they are in the same class and therefore by definition are not "distinct from and independent of the invention previously claimed," else the classification system of the PTO is defective.

Nevertheless, the Examiner's first point is incorrect because the Applicant has amended the

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claims that were originally presented to include all of the limitations from one of the claims in the parent. This also renders the second assertion by the Examiner incorrect – the claim elements added are not "merely . . . two limitations from the old claims," but rather all of the limitations from one of the claims in the parent. This amendment was made only to move prosecution forward and to avoid wasting time and resources arguing about whether the claims as originally presented were "distinct from and independent of the invention previously claimed." If the Examiner maintains the position that the pending claims are non-responsive, the Applicant reserves the right to cancel the amendments made in the previous response for the purposes of petitioning the Examiner's notice to the Commissioner.

In regards to the Examiner's example about speakers and slot machines, the example has absolutely no relevance to the pending claims. Speakers would fall in class 381, whereas a slot machine would fall within class 463 – these are two different classes. Nevertheless, even if the example provided by the Examiner is considered, then if the elements from at least one of the original claims were all present in the new claims, it would have to fall within the originally-assigned class. In other words, the slot machine with the claimed speaker would still be assigned to class 381, and the Examiner in class 381 would not be able to punt the case to an Examiner in class 483 simply because there are additional elements that cover a slot machine. The lack of relevance of the example merely muddies the water and confuses the issue. There is simply no way in which a narrower claim, i.e. one with the elements originally presented plus additional elements, can be "distinct from and independent of the invention previously claimed," particularly in the present cases where both the claims from the parent case, the claims filed in the RCE, and the claims as they now stand all relate to class 463/29, namely "Access or authorization (e.g., game selection, security, etc.)." It is unfortunate that the new elements might require the Examiner to perform a new search, but that is why the Applicant must pay additional fees.

Finally, in regards to the Examiner's "side note," and the only substantive issue, based on the discussion with Ms. Thai, support for the claims can be found in Figures 1, 3A, 5, and 27-30, and at col. 4, line 55 to col. 5, line 58, col. 6, line 6 to col. 7, line 58, and col. 15, line 60 to col. 21, line 62 of the '517 patent, which issued from the first parent application and which contains the same disclosure as the pending application. In regards to the requirement imposed by the Examiner for arguments why the pending claims are allowable over the prior art of reference, it is implicit that the Applicant believes that the pending claims include elements not present in, or obvious in light of, the

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prior art of reference, or else the additional elements would not have been added. The formalistic assertion that arguments must be "submitted" is incorrect.

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CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and a Notice of Allowance is courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the Examiner is hereby requested by the undersigned at (214) 939-8657 so that such issues may be resolved as expeditiously as possible.

A response to the second notice of non-compliant amendment was due on September 11, 2005, which fell on a Sunday. This response is timely filed on Monday, September 12, 2005, and no extension of time is required. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Godwin Gruber, LLP, No. 50-0530.

Dated: September 12, 2005

Respectfully submitted,

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